



Attorney Docket No.: GTW-0133

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): James L. KROENING	Conf. No.: 9803
Application No.: 10/626,383	Art Unit: 2188
Filed: July 24, 2003	Examiner: Kaushikkumar M. PATEL
Title: SAVE AND RESTORE OF A PROTECTED AREA	

Mail Stop -- AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW FINALITY UNDER 37 CFR §1.181

Sir:

Following the final Office Action dated April 19, 2006, the finality of the pending rejection is hereby traversed by Petition to the Director under 37 CFR §1.181.

Remarks begin on page 2 of this paper.

Deposit Account Authorization / Provisional Time Extension is on page 3 of this paper.

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AMENDMENT FEE TRANSMITTAL LETTER

Attorney Docket No:
GTW-0133

Application Serial Number:
10/626,383

Filing Date:
July 24, 2003

Examiner:
Kaushiumar M. PATEL

Art Unit:
2188

Invention: SAVE AND RESTORE OF A PROTECTED AREA

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application. The fee has been calculated as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	NO. OF EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	22	MINUS	22	0	\$50	\$ 0.00
INDEP. CLAIMS	5	MINUS	5	0	\$200	\$ 0.00

____ Petition is hereby made under 37 CFR 1.136(a) to extend the time for response to the Office Action of _____ to and through _____, comprising an extension of the shortened statutory period of:

____ one month (\$120.00) ____ three months (\$1,020.00)
____ two months (\$450.00) ____ four months (\$1,590.00)

TOTAL ADDITIONAL FEE FOR THIS AMENDMENT

1. ____ A check for the amount of \$ _____ is enclosed.
2. X The Director is hereby authorized to charge \$ 400 to Deposit Account No. 50-0439 for payment of the Petition fee under 37 CFR §1.17(f). A duplicative copy of this form is enclosed.
3. X The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 50-0439.
4. ____ Payment by credit card. Form PTO-2038 is attached.
5. ____ Additionally, enclosed herewith is (are): _____.

July 19, 2006
date

Scott Charles Richardson
Scott Charles Richardson
Reg. No. 43,436

I hereby certify that this Correspondence is being deposited with the United States Postal service with sufficient postage for first class mail in an envelope address to the Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, or the correspondence is being facsimile transmitted to the USPTO, on .

-- hand carried --
Scott Charles Richardson, Reg. No. 43,436

Total Pages 4 ~~Faxed~~ / Enclosed

REMARKS

The finality of the Office Action dated April 19, 2006 is hereby traversed, for the following reasons.

The standard for examining patent applications, as promulgated in 37 CFR §1104(b), requires that “[t]he examiner's action will be complete as to all matters.”¹ The Office cannot simply choose to examine some claims, while others remain unaddressed. The examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing.”²

In the pending final Office Action claims 13-16 and 20 are not subject to any rejection, and apparently, through an oversight, have not yet been examined. The Amendment filed on March 20, 2006 in response to the first Office Action pointed out this apparent oversight.³ Despite this, the pending final Office Action was issued and claims 13-16 and 20 are neither allowed nor rejected. No grounds of rejection are specified for these claims, and neither have they been indicated as allowable.

Therefore, it is hereby requested that the finality of the pending Office Action be withdrawn, so as to afford the Office an opportunity to examine claims 13-16 and 20.

¹ 37 CFR §1104 Nature of examination. - Patent Rules. See MPEP §707.07(g).

² MPEP §706.07(c)

³ Amendment of March 20, 2006 at page 7, first paragraph of Remarks.

Deposit Account Authorization / Provisional Time Extension Petition

It is believed that no extension of time is necessary for this response, and no fees are required beyond those specified in the Fee Transmittal accompanying this Petition. However, to the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

CONCLUSION

In the event there are any unresolved issues which may readily be addressed by telephone, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, at (571)748-4765 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



Scott Charles Richardson
Reg. No. 43,436

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P.O. Box 7085, Alexandria, VA 22307

Date: July 19, 2006